

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMARIO JOSEPH BARDO,
Petitioner,

v.

KEN CLARK, Warden,
Respondent.

Case No. 19-00759 BLF (PR)

**ORDER SETTING BRIEFING ON
PETITIONER'S MOTION FOR
LEAVE TO FILE AMENDED
PETITION**

(Docket No. 40)

Petitioner, a California state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 with the assistance of counsel. On October 28, 2019, the Court granted Petitioner's motion to dismiss counsel of record and reopened the matter to permit Petitioner an opportunity to file an opposition to Respondent's motion to dismiss the petition for failure to exhaust state court remedies. Dkt. Nos. 20, 23. Because of the delay in Petitioner obtaining his trial records from former counsel, the Court stayed briefing. Dkt. No. 37. On August 17, 2020, Petitioner filed notice that he received the files from former counsel. Dkt. No. 42.

Petitioner requests a ruling on his motion for leave to file an amended petition, which he filed on June 26, 2020. *Id.*, Dkt. No. 40. However, it appears that he did not serve the motion on Respondent. Accordingly, Respondent shall be given an opportunity

1 to file an opposition or statement of non-opposition to Petitioner's motion.

2 Respondent's opposition shall be filed **no later than twenty-eight (28) days from**
3 **the date this order is filed.** Petitioner's reply shall be filed **fourteen (14) days** after his
4 receipt of Respondent's opposition.

5 **IT IS SO ORDERED.**

6 Dated: August 21, 2020


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

25 Order Setting Briefing on Mot.LTA
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